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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

December 1, 1995

BY COURIER

Mr. William F. Caton
Secretary
Federal Communications Commission
Room 222
1919 M Street, NW
Washington, DC 20554

**EX PARTE
PRESENTATION**

Re: Billed Party Preference for O +
InterLATA Calls, CC Docket No. 92-77

Dear Mr. Caton:

Pursuant to the Commission's rules on ex parte presentations, 47 CFR § 1.1206(a), we hereby submit information in the above-referenced docket.

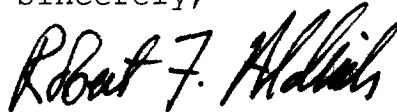
On November 30, 1995, a group consisting of Tom Keane, President of the California Payphone Association (CPA), Darla Jorgenson, Executive Director of CPA, Bob Weisman of the California Public Utilities Commission, Ken McEldowney of Consumer Action, Sylvia Rosenthal, of Tele-Consumer Hot Line, and Robert Aldrich of this law firm representing the American Public Communications Council, had a meeting with Mary Beth Richards, Deputy Chief of the Common Carrier Bureau, Robert Spangler, Deputy Chief of the Enforcement Division, and Michael Carowitz and Anita Chang of the Enforcement Division staff.

The subject of the meeting was California's payphone self-enforcement program and the possibility of developing a similar program at the federal level.

Mr. William F. Caton
December 1, 1995
Page 2

The enclosed material was handed out at the meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert F. Aldrich". The signature is written in a cursive, slightly slanted style.

Robert F. Aldrich

RFA/jh

Enclosures

cc: Mary Beth Richards
Robert Spangler
Michael Carowitz
Anita Chang

**California
Customer Owned Pay Telephone
Enforcement Program**

**By
COPT Enforcement Subcommittee Delegation**

Darla Jorgenson, California Payphone Association

Tom Keane, California Payphone Association

Ken McEldowney, Consumer Action

Sylvia Rosenthal, Tele-Consumer Hotline

Robert Weissman, CPUC/CACD

November 30, 1995

COPT Enforcement Program

Background:

The COPT Enforcement Program was instituted in 1990 by the Public Utilities Commission as part of a Settlement Agreement to improve the quality of privately owned pay telephone service. It is a self regulated enforcement program in which the payphone providers take an active role to improve the quality of payphone service.

The goals of the program are threefold:

- ♦ The program **educates vendors** on the tariff requirements in California so that vendors can comply. COPT Enforcement believes that in-compliance payphones help the entire privately owned payphone industry and the consumer market.
- ♦ The program **enforces the tariffs** that are in effect in California.
- ♦ The program **educates consumers** on payphone operations.

The program is a joint effort between the California Payphone Association, Pacific Bell, GTE California, the California Public Utilities Commission, and a large consumer protection group called Consumer Action. These parties make up the COPT Enforcement Subcommittee. Currently, the Subcommittee continues to meet on a periodic basis to provide guidance and manage the program.

Program Accomplishments:

- ♦ Payphone Vendor Education
- ♦ California Tariff Enforcement
- ♦ Consumer Awareness and Education via Outreach Program
- ♦ Subcommittee Guidance, this oversight group represents a cooperative and self-regulation effort between the payphone industry, government agencies and consumer protection groups.
- ♦ 800# Provided for Consumer Complaints Staffed by Independent Consumer Organization
- ♦ Hotline Complaints Handled Per Month*
 - 1993 - 3,192
 - 1994 - 1,805
 - 1995 - 1,204
- ♦ Inspections on a Statewide Basis
- ♦ Payphone Inspections Per Month*
 - 1994 - 718
 - 1995 - 726
- ♦ Ability to Disconnect Payphones Per Tariff if not in Compliance
- ♦ Disconnects Per Month*
 - 1994 - 22
 - 1995 - 15

*Monthly Average

CALIFORNIA CUSTOMER OWNED PAY TELEPHONE ENFORCEMENT PROGRAM

The California Customer Owned Pay Telephone Program (Program) was instituted by the California Public Utilities Commission (Commission) pursuant to Ordering Paragraph 2. of Decision 90-06-018. The Commission directed the Commission Advisory and Compliance Division (CACD) to hold workshops on enforcement of Customer Owned Pay Telephones (COPTs). The workshop developed a self enforcement program in which the COPT vendors take an active role.

The Program was started in November 1990 as a joint effort between the California Payphone Association, Pacific Bell, GTE California, Inc., the Commission's Divisions of Ratepayer Advocates, and Advisory and Compliance, and a large consumer group called Consumer Action. This group is known as the COPT Enforcement Subcommittee. The Subcommittee meets on a regular basis to provide guidance for the Program.

The Program initially covered some COPTs in the San Francisco Bay Area. In January 1991, the Program expanded to an area near Los Angeles and to San Diego in October 1991. In June 1992, the Program became computerized and the entire state was covered.

The Program has three goals. The Program educates COPT vendors as to the COPT requirements so that COPT vendors can comply. The Program enforces the Local Exchange Company tariffs which the COPT vendors are required to operate under. The Program educates consumers on the operations of pay telephones.

COPT vendors are educated about the rules and regulations that are required to operate private pay telephones. This is done by answering questions by telephone, providing information by mail and participating in COPT Industry Trade Shows.

For consumer education the Program has contracted with Consumer Action for a program that will provide tens of thousands of flyers to low-income and limited English speaking areas stating how to use a pay telephone and how to receive a refund if necessary.

The Program uses an 800 number to reach the Tele-Consumer Hotline. The Hotline is an independent consumer organization based in Washington, D.C. The role of Tele-Consumer Hotline is to take calls, gather pertinent information on COPTs, and download the data to the Program's administrative office on a monthly basis. The Program currently inspects approximately 700 COPTs each month. The computer system has the ability to store the data on complaints and inspections for each COPT vendor. Various reports are compiled to help identify those vendors with an unusually high percentage of violations.

The Program has hired a Chief Inspector to interface with COPT vendors on a technical level and to provide a consistent inspection program. The Program utilizes 43 inspectors on a free lance basis and has recently hired an In-House Inspector for the Southern California region that reports directly to the COPT Enforcement office. The In-House Inspector checks COPTs in areas not normally covered by other Inspectors and will be used for quality control. The Program is planning to hire an additional In-House Inspector for the Northern California region.

From the start of the Program, until January 1995, the data has shown a marked reduction in tariff violations, specifically blocking of 950, 1-800, and 10XXX numbers. California experienced many telecommunication changes in the past year; the Program has been flexible and dynamic enough to make the appropriate shifts to accommodate the pay telephone industry. Since the implementation of the Commission's IRD Decision 94-09-065 effective January 1, 1995, there have been many toll rate and signage requirement changes that have taken a period of time for vendors to accommodate. The Program anticipated an increase in violations and focused on greater vendor education on toll rate and signage requirements.

The success of the Program can be attributed to adequate funding, the authority to have the Local Exchange Carrier disconnect non-compliant pay telephones and subcommittee guidance.

COPT Executive Summary

	1994:	January	February	March	April	May	June	July	August	September	October	November	December
Summary Column													
Total Volume		2531	2408	2831	2254	1600	1655	1564	1797	1385	1316	1151	1173
Tariff Complaints		1145	967	1172	1216	800	770	694	878	878	886	794	773
Refund Number Not Attempted		1464	1454	1627	1121	722	749	738	793	610	563	522	525
Requested Call Connect		423	422	632	455	362	402	345	355	293	295	301	282
Requested Immediate Refund		160	191	373	403	194	169	152	134	167	128	125	120
Refund Related Complaints		2171	2063	2422	1810	1219	1266	1196	1406	1066	937	885	868
Percentage of Total Call Volume													
Tariff Complaints		45.2%	40.2%	41.4%	53.9%	50.0%	46.5%	44.4%	48.9%	63.4%	67.3%	69.0%	65.9%
Refund Number Not Attempted		57.8%	60.4%	57.5%	49.7%	45.1%	45.3%	47.2%	44.1%	44.0%	42.8%	45.4%	44.8%
Requested Call Connect		16.7%	17.5%	22.3%	20.2%	22.6%	24.3%	22.1%	19.8%	21.2%	22.4%	26.2%	24.0%
Requested Immediate Refund		6.3%	7.9%	13.2%	17.9%	12.1%	10.2%	9.7%	7.5%	12.1%	9.7%	10.9%	10.2%
Refund Related Complaints		85.8%	85.7%	85.6%	80.3%	76.2%	76.5%	76.5%	78.2%	77.0%	71.2%	76.9%	74.0%
	1995:	January	February	March	April	May	June	July	August	September	October	November	December
Summary Column													
Total Volume		1164	1228	1275	1181	1170	1211	1198	1548	1284			
Tariff Complaints		802	871	835	765	720	738	777	999	806			
Refund Number Not Attempted		493	452	517	479	454	479	429	548	368			
Requested Call Connect		258	178	213	233	268	265	243	317	214			
Requested Immediate Refund		116	123	127	95	111	125	93	126	82			
Refund Related Complaints		858	851	890	815	784	849	765	1019	734			
Percentage of Total Call Volume													
Tariff Complaints		68.9%	70.9%	65.5%	64.8%	61.5%	60.9%	64.9%	64.5%	62.8%			
Refund Number Not Attempted		42.4%	36.8%	40.5%	40.6%	38.8%	39.6%	35.8%	35.4%	28.7%			
Requested Call Connect		22.2%	14.5%	16.7%	19.7%	22.9%	21.9%	20.3%	20.5%	16.7%			
Requested Immediate Refund		10.0%	10.0%	10.0%	8.0%	9.5%	10.3%	7.8%	8.1%	6.4%			
Refund Related Complaints		73.7%	69.3%	69.8%	69.0%	67.0%	70.1%	63.9%	65.8%	57.2%			

Talk Piece Format

Robert Weissman

- * Introduction
- * Background
- * How the Program was setup in California

Tom Keane

- * Why an effective program in California?
 - Funding
 - Mantle of authority
 - Subcommittee guidance
- * Benefits of Program
 - Self regulation
 - Consumer protection
 - Vendor education

Robert Weissman/Darla Jorgenson
Ken McEldowney/Sylvia Rosenthal

- * How the Program works
- * Consumer Benefits (Ken)
- * Educational Outreach Campaign (Ken)
- * Consumer Literature (Ken)
- * Role of the Tele-Consumer Hotline (Sylvia)
- * Impartial Handling of Consumer Complaints (Sylvia)
- * How Calls Come into the Hotline (Sylvia)
- * Number of Calls Handled (Sylvia)
- * Cost Structure, Price per call (Sylvia)
- * Share Counselor Script (Sylvia)
- * Scan and Rejection Program
- * Number of inspections
(Share Inspection form & Standards)
- * Signage requirements
- * Number of disconnects
- * Cost data
- * Program results

Tom Keane

- * Wrap Up
- * Escape BPP
- * Scan and Rejection Program / Rate Cap Restriction
- * Potential for Expansion of the California Model
- * Possible FCC Solution
- * Elements of Success
 - Funding (Compensation)
 - Authority (FCC)
 - Subcommittee Guidance (Suggest Configuration)
- * Recommend FCC Trial
- * The California Program Currently Assures Compliance on 25% of the Market

Questions and Answers

Suggested Supporting Data:

- Workshop Report
- Verbiage of Operator Services Recording
- Tele-Consumer Hotline Script
- Flow Chart Showing the Life on a Complaint
- Consumer Action Outreach Brochures
- Number of Disconnects in 1995
- Number of Inspections and associated costs in 1995
- Guidelines for Inspections
- Inspection Form
- Criteria for Disconnection
- California Tariff
- Typical Monthly Costs of the Program

THE WORKSHOP REPORT
ON
CUSTOMER OWNED PAY TELEPHONE SERVICE
IN RESPONSE TO
COMMISSION DECISION 90-06-018

SUBMITTED BY:

CUSTOMER OWNED PAY TELEPHONE WORKSHOP PARTICIPANTS

DECEMBER 21, 1993

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ACKNOWLEDGEMENT

As chairperson of the Customer Owned Pay Telephone Workshop, I would like to take this opportunity to express my thanks to all the participants in this Workshop. Everyone participated and provided their expertise to address the difficult tasks assigned to us.

Special thanks are given to the following:

Members of the Customer Owned Pay Telephone Enforcement Subcommittee:

Karen McBee-Pacific Bell

Tom Keane-California Payphone Association

Mary Cooper-The Commission Division of Ratepayer Advocates

Ken McEldowney- Consumer Action

Kurt Rasmussen and Michael Keener-GTE California Inc.

Robert Weissman-The Commission Advisory and Compliance Division

Public Policy Pay Telephones:

Mary Cooper- The Commission Division of Ratepayer Advocates

Helen Morgan-Pacific Bell

Reparations:

Mary Cooper-The Commission Division of Ratepayer Advocates

Toll Fraud:

Gene Graczyk-AT&T

Recognition is given to the following:

Ray Ruiz of Pacific Bell for his advice on how pay telephones operate on the Pacific Bell system.

Pam Stamer in setting up the pilot Customer Owned Pay Telephone program.

Julia Russo of California Payphone Association and currently Amtel Communications Inc. for her everyday input to the enforcement program.

Tom Keane of Pay Tel Phone Systems for his continuing input to the enforcement program and his advice on how Customer Owned Pay Telephones operate.

The California Payphone Association prepared and provided a report on the COPT Enforcement Program. A substantial portion of this report has been used herein.

**S. Robert Weissman
Commission Advisory and Compliance Division
Telecommunications Branch**

FOREWORD

The Commission issued Decision 90-06-018 on June 6, 1990. Ordering Paragraph 2. states as follows:

The Commission Advisory and Compliance Division (CACD) shall hold workshops within 90 days after this decision is signed. The CACD shall notify all appearance of record to this proceeding of the date, time, location, and agenda of workshops at least 20 days prior to the date of the first workshop, and shall provide a report on the results of the workshops to the Commission within 90 days of completion. The workshops shall be held to address:

- a. Pay telephone enforcement as discussed in Articles V(B)(1) and V(B)(12) of the Agreement.
- b. Public policy pay telephone as discussed in Article V(C) of the agreement.
- c. The development of a store and forward monitoring program discussed in Article IV of the Agreement for PacBell.

The first Workshop was held on August 17, 1990, and the last Workshop was held September 22, 1993. The ensuing report contains the results of the Workshop in compliance with the Commission order stated above.

It should be noted that the Workshops continued for a period of time in order to address toll fraud and to establish the Customer Owned Pay Telephone Enforcement Program.

SUMMARY

STORE AND FORWARD SETS

The criteria for testing Store and Forward Customer Owned Pay Telephones were developed and completed. Intellicall and Elcotel had Grandfathered Pay Telephones and were entitled to Special Pay Telephones pursuant to Commission Decision 90-06-018.

STORE AND FORWARD MONITORING PLAN

The Workshop set forth the method for Pacific Bell for this monitoring plan.

PUBLIC POLICY PAY TELEPHONES

The Workshop, through the efforts of the Public Policy Pay Telephone Subcommittee, determined the number of public policy pay telephones, set the criteria for subsequent public policy pay telephones and reached agreement on the appropriate funding level.

REPARATIONS

The Subcommittee on Reparations was successful with most of the parties agreeing on the amount of reparations to be paid, but other terms of a settlement remain in dispute.

SCANNING AND REJECTION PROGRAM

The Workshop set forth the criteria for this program to meet the rate caps for noncoin calls from pay telephones. Pacific Bell has this program available to its customers.

TOLL FRAUD

The Workshop formed a Subcommittee to address the continuing problem of toll fraud and 10XXX unblocking. Although the participants were unable to reach agreement on the responsibilities of the Local Exchange Companies and the Operator Service providers, a broad consensus was reached on the timelines for fraud reporting and investigation and the responsibilities of the Customer Owned Pay Telephone vendors. A report was written and distributed to the Telecommunication Advisors of the Commissioners.

CONSUMER EDUCATION

The Workshop, through the Customer Owned Pay Telephone Enforcement Subcommittee, approved a comprehensive consumer education project to be handled by Consumer Action. This program should take place during the first half of 1994. This program is being funded entirely from a portion of the monthly surcharge on Customer Owned Pay Telephones.

CUSTOMER OWNED PAY TELEPHONE ENFORCEMENT PROGRAM

The Workshop, through the efforts of the California Payphone Association and the Customer Owned Pay Telephone Enforcement Subcommittee, has developed a unique and innovative program of self enforcement by the Customer Owned Pay Telephone vendors pursuant to Commission Decision 90-06-018.

This program is a first in the United States and Canada because it is a self funded, self enforcement program that encompasses the efforts of the Commission, The California Payphone Association, Consumer Action and the Local Exchange Companies all working together to accomplish a common goal.

This Enforcement Program is statewide. The Program is the first of its type to take part in state trade shows for the payphone services industry in order to provide information about the Program to California vendors on a personal basis. In addition Pay Telephone Association meetings in New Orleans, Atlantic City, Salt Lake City and Las Vegas have requested a speaker to inform their Pay Telephone Associations about the California COPT Enforcement Program. A trade show in Atlanta also requested a speaker to talk about the program. States in the Pacific Northwest and a pay telephone company in Calgary, Alberta, have requested information about the Program. The California Program is considered a Model for other Customer Owned Pay Telephone Enforcement Programs in other states.

The data set forth in this report show that this Customer Owned Pay Telephone Enforcement Program is successful.

I. CUSTOMER OWNED PAY TELEPHONE ENFORCEMENT

1. STORE AND FORWARD SETS

Introduction

Decision 90-06-018, at Appendix B, introduced a grandfather provision which allowed Customer Owned Pay Telephone (COPT) operators who had been utilizing set-based store and forward (S&F) technology, from certain manufactures, to continue to provide intraLATA operator assistance and billing services in Pacific Bell service territory. The set manufacturers, Intellicall, Elcotel and Protel, were granted grandfather rights for 4,660, 1,412 and 471 sets respectively. These grandfather rights were contingent upon the manufacturers providing Pacific with a list of units installed or shipped to COPT operators by January 31, 1990, and completion of a test outlined in Appendix B of the Decision.

Recommendations

Based on the results of the tests, described below, the Workshop determined that Intellicall and Elcotel and their customers were entitled to provide intraLATA operator assistance and billing services from their grandfathered sets in Pacific Bell service territory.

Intellicall and Elcotel were also entitled to market special sets as described in Appendix B of Decision 90-06-018.

Protel did not submitted a list of grandfathered sets and did not participate in the test and thus was not entitled to provide either grandfathered or special sets in Pacific Bell service territory.

Test Parameters

The test required that the S&F Units operate substantially in accordance with the following requirements:

- 1) Automated collect calls shall be completed using only positive acceptance techniques;
- 2) COPT operators shall obtain validation only from authorized sources;
- 3) All O- calls shall be forwarded to the LEC operator without any kind of human or mechanical intervention whatsoever;
- 4) The S&F sets can provide rate quotes on request for automated calls;

The Workshop agreed that, for a manufacturer's set to be grandfathered, all four of the above tests must be passed on 90% percent of the sets tested. This met the requirement set forth in the Decision that tests be conducted on a sample of S&F Units which would render statistically significant results at a confidence level of 95%. In addition to the specific test requirements, COPT operators using S&F Units were subject to the other consumer safeguards required by the Decision to the extent applicable to their operations. Upon passing the grandfather tests, the manufacturer could provide a certain number of S&F units which were configured to complete intraLATA voice message and/or automated collect calls, but to route all other non-sent paid intraLATA calling card calls to Pacific Bell. These units are called "Specials".

Test Results

Intellicall

Intellicall provided their list of 4,660 units in a timely manner. Pacific Bell tested 332 Intellicall units. Of the units tested 299 passed all the tests. Based on these results, Intellicall passed the required tests and was entitled to provide intraLATA operator assistance and billing services from its grandfathered sets in Pacific Bell service territory.

Elcotel

Elcotel submitted several lists of grandfathered sets for testing. The first list of 122 sets did not meet the requirements of the Decision because the COPT vendor was not identified for each set. Pacific Bell was unable to confirm whether these sets had been installed pursuant to the provisions for grandfather sets. Subsequently Pacific Bell was informed by the vendors of these sets that they were no longer using Elcotel equipment. Elcotel withdrew this initial list.

Elcotel later submitted a second list containing 192 sets. These sets were Omniphone telephones installed after the January 31, 1990 order, by a COPT vendor not on the grandfather list Elcotel provided to Pacific Bell. The sets on the second list did not qualify as grandfather telephones.

Subsequently Elcotel submitted another list of 20 sets. These sets were tested and 18 of the 20 passed all the tests. Based on these results, Elcotel passed the required tests and was entitled to provide intraLATA operator assistance and billing services from its grandfathered sets in Pacific Bell service territory.

Protel

Protel did not submit any lists for grandfather telephones. Protel sets do not have the right to provide intraLATA operator assistance and billing services in Pacific Bell service territory.

2. CUSTOMER OWNED PAY TELEPHONE ENFORCEMENT PROGRAM

Introduction

The COPT Enforcement Program is a Program instituted by the California Public Utilities Commission (Commission) pursuant to Ordering Paragraph 2. of Decision 90-06-018. The Commission Advisory and Compliance Division (CACD) was directed to hold workshops on enforcement and provide a report on the results. The Workshop developed a self enforcement program in which the COPT vendors take an active roll to improve the quality of service.

This COPT Enforcement Program is directed by a Project Manager from CACD.

Goals of the Program

The goals of the Program are threefold. First, the Program educates COPT vendors as to the operating, signage, and rate cap requirements in California so that COPT vendors can comply.

Second, the Program enforces the tariffs that are in effect in California.

Third, the Program educates consumers on the operations of pay telephones.

History of the Program

The Program started in November 1990 as a joint effort between CPA (California Payphone Association), Pacific Bell, GTE California Inc. (GTEC) , the Commission's Division of Ratepayer Advocates (DRA), the CACD, and a large consumer group called Consumer Action. This group is known as the COPT Enforcement Subcommittee. The Subcommittee meets on a periodic basis when required to establish guidelines for the COPT Enforcement Program.

The Subcommittee established guidelines for the following:

- a. Inspections of COPTs.
- b. The confidentiality of customer communications and information.
- c. The letters used to inform COPT vendors of tariff violations.
- d. The letter to the LEC requesting a disconnect notice to be sent to a COPT vendor.
- e. The split of the surcharge of \$1.50 for Pacific Bell and \$2.00 for GTEC per month per COPT for public policy telephones, 0- costs and COPT Enforcement.
- f. The fees paid for inspections of COPTs.
- g. The budget for the COPT Enforcement Program.
- h. An educational program on COPTs by Consumer Action.

The Enforcement Program initially included only some COPTs in Pacific Bell service territory. The COPTs covered were in a small portion of the East Bay (415 area code-now 510). All COPTs for which a complaint was received were inspected during the first two months to establish guidelines for inspections. The complaints came from the Pacific Bell COPT Service Center.

In January 1991 the Program was expanded to a portion of the 818 area near Los Angeles and to San Diego in October 1991.

Beginning in June 1992, the Program became computerized and the Program was expanded to cover the entire state of California. Initially two call-in centers for complaints were established. All calls regarding complaints or questions about COPTs were directed to one of these two operator centers. Subsequently the COPT Enforcement Subcommittee made the decision to use only one call-in center; the well known national consumer group called Teleconsumer Hotline-associated with Consumer Federation of America.

The Current COPT Enforcement Program

The Enforcement Program begins with a consumer who has a problem using a private pay telephone. For example:

You have just had a problem with a COPT; the telephone kept the money you deposited for a call but the call was not completed; you tried to reach a carrier by dialing 10XXX but this dialing pattern was blocked; or you wanted to contact the owner of the telephone but the telephone number to call to complain was not visible.

In desperation you dial "0" to complain. Since all "0-" calls are required to go to the local exchange company (LEC) telephone operator, the LEC operator takes the call and immediately switches the caller to a recording. The recording says, "If you are having a problem with this private pay telephone, please look for a refund or a service number. If you can't find it, please call 1-800-473-6220 during normal business hours."

The consumer looks at the sign to find the refund or service number or dials the 800 number. In this case the customer dials the 800 number. A Teleconsumer Hotline operator is standing by to take the call. The operator has a series of computer screens (Appendix B) which prompt the operator through a set of questions to determine whether there is an alleged tariff violation. The operator also provides the customer with answers to questions about private pay telephones and how they are regulated. A key role is to minimize customer anger which has been caused by problems using the pay telephone. The various screens deal with each major category of tariff violations.